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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,591	07/22/2003	Takuya Kotani	00862.023159.	5847

5514 7590 06/19/2007  
FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER

CHIO, TAT CHI

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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06/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/623,591	Applicant(s) KOTANI, TAKUYA	
	Examiner Tat Chi Chio	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-23, and 25-31 is/are rejected.
- 7) ☒ Claim(s) 15, 16 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/13/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 9-12, 19, 20, 25, and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Okada et al. (US 6,266,483 B1).

**Consider claim 1**, Okada et al. teach a reproducing apparatus comprising: a reproducing unit that reproduces a plurality of information data, and management information, which contains duration information indicating reproduction durations of the information data, from a recording medium (col. 8, lines 32-37); and a control unit that controls a reproduction operation of the information data by said reproducing unit on the basis of the duration information reproduced by the reproducing unit, and reproduction control information indicating a reproduction sequence of the plurality of information data (col. 8, lines 37-43, 1711 of Fig. 18. Furthermore, the user is able to freely define the playback sequence, so the user can define the playback sequence on the basis of the duration information, col. 8, lines 18-22).

**Consider claim 9**, Okada et al. teach an apparatus for recording a plurality of information files each containing information data on a recording medium, comprising: a management file processing unit that generates a management file associated with the information files for each directory on the recording medium, where the information files

are stored (col. 8, lines 4-18); and a recording unit that records the information files and the management file associated with the information files, which are stored in a single directory, on the recording medium (Fig. 9A).

**Consider claim 10**, Okada et al. teach the apparatus, wherein the management file comprises entries corresponding to the information files in the directory, and each entry has a plurality of types of attribute information (Fig. 17).

**Consider claim 11**, Okada et al. teach the apparatus, wherein the attribute information includes identification information used to identify the information file (Fig. 10).

**Consider claim 12**, Okada et al. teach the apparatus, further comprising a control information processing unit that generates reproduction control information indicating a reproduction sequence of the plurality of information data recorded on the recording medium by designating the information data recorded on the recording medium using the identification information (claim 9).

**Consider claim 19**, Okada et al. teach the apparatus, wherein the attribute information includes type information indicating a type of information data (Fig. 10).

**Consider claim 20**, Okada et al. teach the apparatus, wherein the attribute information includes duration information indicating a reproduction duration of the information data (Fig. 10).

**Consider claim 25**, Okada et al. teach the apparatus, further comprising: a control information processing unit that generates reproduction control information indicating a reproduction sequence of the plurality of information data, and wherein said

management file processing unit changes contents of the management file in accordance with new reproduction control information generated by said control information processing unit (col. 8, lines 4-22, when the user defines the reproduction sequence, the original PGC information is changed according to the user-defined reproduction sequence).

**Consider claim 27**, Okada et al. teach the apparatus, wherein the management file has a predetermined extension (Fig. 10).

**Consider claim 28**, Okada et al. teach an apparatus for recording information data on a recording medium, comprising: a management information processing unit that generates management information which contains identification information used to identify the information data recorded on the recording medium (Fig. 10); a recording unit that records the management information generated by said management information processing unit on the recording medium (col. 8, lines 4-18); and a control information processing unit that generates reproduction control information indicating a reproduction sequence of a plurality of information data recorded on the recording medium by designating the information data recorded on the recording medium using the identification information (col. 8, lines 37-42).

**Consider claim 29**, Okada et al. teach the apparatus, wherein the reproduction control information designates the information data by a pair of the identification information, and a file name of a management file having the management information (Fig. 10).

**Consider claim 30**, Okada et al. teach the apparatus, wherein the reproduction control information designates the information data by a set of the identification information, a file name of a management file having the management information, and a directory name on the recording medium that stores the management file (Fig. 9A and Fig. 10).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US 6,266,483 B1) in view of Nakatani (US 7,027,711 B2).

**Consider claim 2**, Okada et al. teach all the limitations in claim 1 but fail to explicitly teach the apparatus, wherein when information data designated by the reproduction control information has been deleted from the recording medium, said control unit changes the reproduction sequence designated by the reproduction control information on the basis of the duration information of the deleted information data.

Nakatani teaches the apparatus, wherein when information data designated by the reproduction control information has been deleted from the recording medium, said control unit changes the reproduction sequence designated by the reproduction control information on the basis of the duration information of the deleted information data (col. 10, lines 31-42 and Fig. 18). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to incorporate a control unit that changes the reproduction sequence on the basis of the duration information of the deleted information data so that the capacity of the DVD is increased.

**Consider claim 3**, Nakatani further teaches the apparatus, wherein said control unit controls said reproducing unit to output predetermined information in place of the deleted information data during a period corresponding to the reproduction duration of the deleted information data (col. 10, lines 31-42 and Fig. 18).

**Consider claim 4**, Nakatani further teaches the apparatus, wherein said control unit controls said reproducing unit to output predetermined alarm information during a period corresponding to the reproduction duration of the deleted information data (Fig. 27).

**Consider claim 5**, Nakatani further teaches the apparatus, wherein said control unit controls said reproducing unit to stop output of the information data during a period corresponding to the reproduction duration of the deleted information data (when a section is deleted, a free space corresponding to the section is increased and the size of the data is proportional to the reproduction duration of the information data. Since the information data corresponding to a reproduction duration is deleted, it will not be reproduced. Therefore, the information data during a period corresponding to the reproduction duration of the deleted information data will not be reproduced. Col. 9, lines 57-60).

**Consider claim 8**, Nakatani further teaches the apparatus, wherein the information data include moving image data, audio data, and still image data, and said

control unit controls said reproducing unit to stop reproduction of the information data during a period corresponding to the reproduction duration designated by the duration information when the deleted information data is moving image data or audio data, and to stop reproduction of the information data during a period designated by the reproduction control information when the deleted information data is the still image data (when a section is deleted, a free space corresponding to the section is increased and the size of the data is proportional to the reproduction duration of the information data. Since the information data corresponding to a reproduction duration is deleted, it will not be reproduced. Therefore, the information data during a period corresponding to the reproduction duration of the deleted information data will not be reproduced. A VOB contains moving image data, audio data, and still image data. Col. 9, lines 57-60).

5. Claims 6, 7, 26, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US 6,266,483 B1) in view of Nakatani et al. (US 6,285,827 B1).

**Consider claim 6,** Okada et al. teach all the limitations in claim 1 but fail to explicitly teach the apparatus, wherein the management information further contains deletion information indicating that information data designated by the reproduction control information has been deleted from the recording medium, and said control unit determines based on the deletion information whether or not information data designated by the reproduction control information has been deleted from the recording medium.



Nakatani et al. teach the apparatus, wherein the management information further contains deletion information indicating that information data designated by the reproduction control information has been deleted from the recording medium, and said control unit determines based on the deletion information whether or not information data designated by the reproduction control information has been deleted from the recording medium (Fig. 28A, col. 23, lines 50-67, and col. 24, lines 7-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to contain deletion information to keep track of the status of the AV data.

**Consider claim 7**, Nakatani et al. further teach the apparatus, further comprising: an instruction unit that instructs to delete arbitrary information data of the plurality of information data recorded on the recording medium (Fig. 22); a management information processing unit that appends, when the information data corresponding to the deletion instruction of said instruction unit is designated by the reproduction control information, the deletion information to the management information of the deleted information data (Fig. 28A and Fig. 28B).

**Consider claim 26**, Nakatani et al. further teach the apparatus, wherein the management file is described in a data description language, and the reproduction control information designates the information file in an Xpath/Xpointer format (Fig. 10, Fig. 11A, 11B, 11C, Fig. 12A and Fig. 12B).

**Consider claim 31**, Nakatani et al. further teach an apparatus for reproducing a plurality of information data recorded on a recording medium, comprising: a reproducing unit that reproduces a plurality of information data and management information

associated with the plurality of information data from the recording medium (Fig. 18); an instruction unit that instructs to delete arbitrary information data from the plurality of information data recorded on the recording medium (Fig. 22); a management information processing unit that appends a deletion attribute indicating that the information data has been deleted from the recording medium, to management information of the deleted information data out of the information data, which are designated by reproduction control information indicating a reproduction sequence of the plurality of information data (Fig. 28A and Fig. 28B); and a display unit that identifiably displays the information data appended with the deletion attribute and other information data of the plurality of information data designated by the reproduction control information (Fig. 14).

6. Claims 13, 14, 17, 18, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US 6,266,483 B1) in view of Kanai et al. (US 6,816,666 B1).

**Consider claim 13,** Okada et al. teach all the limitations in claim 1 but fail to explicitly teach the apparatus, further comprising: a control information processing unit that generates reproduction control information indicating a reproduction sequence of the plurality of information data, wherein the attribute information includes link count information indicating the number of pieces of reproduction control information, which designate the information data corresponding to that entry.

Kanai et al. teach the apparatus, further comprising: a control information processing unit that generates reproduction control information indicating a reproduction

sequence of the plurality of information data, wherein the attribute information includes link count information indicating the number of pieces of reproduction control information, which designate the information data corresponding to that entry (col. 9, lines 1-12 and Fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate the attribute information that includes link count information in order to facilitate easy editing.

**Consider claim 14**, Kanai et al. further teach the apparatus, wherein said management file processing unit changes a value of the link count information in the entry in correspondence with a change in reproduction sequence of the reproduction control information (col. 13, lines 10-20).

**Consider claim 17**, Kanai et al. further teach the apparatus, wherein when said control information processing unit generates new reproduction control information, said management file processing unit increments a value of the link count information in an entry of each information data designated by the new reproduction control information (col. 12, lines 5-10).

**Consider claim 18**, Kanai et al. further teach the apparatus, wherein when the reproduction control information is deleted, said management file processing unit decrements a value of the link count information in an entry of each information data designated by the deleted reproduction control information (Fig. 10).

**Consider claim 21**, Kanai et al. further teach the apparatus, wherein when said recording unit stores and records a new information file in one directory, said

management file processing unit adds a new entry to the management file in the one directory (col. 12, lines 11-24).

**Consider claim 22**, Kanai et al. further teach the apparatus, wherein said recording unit determines a directory used to store a new information file to be recorded in accordance with a predetermined condition (col. 13, lines 10-20).

**Consider claim 23**, Kanai et al. further teach the apparatus, wherein when the new information file is to be recorded within a predetermined period of time after the information file recorded immediately before the new information file was recorded, said recording unit records the new information file in the same directory as the information file recorded immediately before the new information file (col. 13, lines 10-20).

### ***Allowable Subject Matter***

7. Claims 15, 16, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

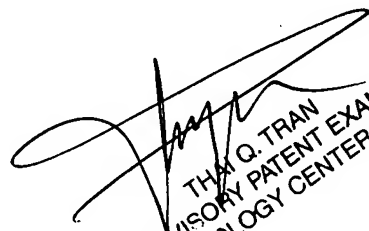
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tat Chi Chio whose telephone number is (571) 272-9563. The examiner can normally be reached on Monday - Thursday 8:30 AM-6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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